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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,741	07/28/2000	Jean Francois Le Pennec	FR9-1999-0108-US1	2788
31292	7590	08/19/2004	EXAMINER	
CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE, FL 33301			EDELMAN, BRADLEY E	
		ART UNIT	PAPER NUMBER	
			2153	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/627,741	LE PENNEC ET AL.
	Examiner Bradley Edelman	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 May 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 July 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This action is in response to Applicant's amendment and request for reconsideration filed on May 14, 2004. Claims 1-11 are presented for further examination. Claim 11 is a new claim. Because the new grounds for rejection were necessitated by amendment, this office action is final.

### ***Specification***

1. A substitute specification, not including the claims, is required pursuant to 37 CFR 1.125(a) because the numerous amendments to the specification render it difficult to follow.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In considering claim 1, the phrase "said selected web page fields" on line 11 of the claim lacks sufficient antecedent basis, and is therefore ambiguous.

Claims 2-10 depend from claim 1, and are thus rejected as well.

In considering claim 11, the phrase "which system" on line 1 of the claim also lacks sufficient antecedent basis. It appears that the word "system" should read "method," and Examiner has interpreted the claim as such.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto et al. (U.S. Patent No. 6,278,449, hereinafter "Sugiarto"), in view of Sharma (U.S. Patent No. 6,766,163).

Regarding claim 1, Examiner has interpreted the phrase “said selected web page fields,” as if it contained sufficient antecedent basis. Thus, Examiner has assumed that the user selects both the “information” mentioned on line 6 of the claim, and also web page fields, as mentioned on line 12 of the claim.

In considering claim 1, as thus understood, Sugiarto discloses a server assisted system for accessing web page fields (“portions of one or more websites,” col. 6, line 24) in which system a wireless PDA (“personal organizer,” col. 3, line 25) communicates with an Internet network (“Internet,” col. 4, line 5) through a wireless Internet gateway (“wireless link,” col. 2, line 18), said server assisted system comprising:

A portal server (“system server 2,” and “database server 8,” col. 8, lines 25-26) coupled to the wireless Internet gateway and having a configuration for accessing resources of the Internet network (col. 8, lines 51-67 describes accessing resources through the server), a user data base associated with said portal server (“database 205,” col. 8, line 26), said user database containing at least identifying information selected by a user which information determines which web page fields of web pages are to be retrieved (col. 8, lines 25-26; col. 7, line 56 – col. 8, line 9, describing the configuration files that allow a user to select fields of web pages), portal handling means associated with the portal server, said portal means having a configuration for accessing the selected web page fields (col. 8, lines 51-67, describing accessing the selected web page fields);

Portal browsing means disposed in said wireless PDA (“display screen 10 of handset 6,” col. 4, line 30), said portal browsing means comprising a configuration for

browsing said selected web page fields and retrieving at least one of said selected web page fields, and displaying means disposed in the wireless PDA and having a configuration for displaying said retrieved web page field in the wireless PDA (col. 8, line 34 – col. 9, line 1, describing selecting and displaying multiple of the fields on the PDA browser display).

Sugiarto further describes that certain of the Web page fields are of the type that need to be frequently updated (i.e. col. 8, lines 8-18, describing stock quotes, headline news, and sports scores; see also, claim 1, describing “future updated” information). However, Sugiarto remains silent as to how the future information might be updated, and thus Sugiarto does not disclose the claim limitation of allowing a user to select information that determines whether data in the web page fields are to be retrieved as one of a real-time retrieval or a retrieval from a pre-stored update. Nonetheless, the feature of allowing a user to select whether updateable retrieved information received at a PDA device via a portal server should be updated in real-time or a pre-stored update is well known, as evidenced by Sharma. In a similar art, Sharma discloses a system for allowing users of PDA devices to receive news, stock quotes, and other time-sensitive information via a portal server (“proxy server,” col. 4, lines 1-15), wherein the selected fields of information are updateable, and wherein the fields are updated according to a user selection of either real-time (“demand basis”) or from a pre-stored update (“periodic basis”). See column 7, lines 24-35, “Thus, the demand based configuration updates displayed information only when requested by the user. The periodic based

configuration, on the other hand, allows the user to specify a time interval in which page contents are automatically updated."

Given the teaching of Sharma, a person having ordinary skill in the art would have readily recognized the desirability and advantages of allowing a user to select the method of updating the web fields, as suggested by Sharma, for the updateable fields taught by Sugiarto, so that the user can have greater control over the accuracy of the data he or she is receiving. Therefore, it would have been obvious to use the updating method taught by Sharma for the updateable information taught by Sugiarto.

In considering claim 2, Sugiarto further discloses that the portal handling means comprises a portal real time server ("system server 2") for accessing resources of said Internet network and for retrieving from said servers web page fields requested by said portal browsing means (col. 8, lines 51-67, describing that the server 2 receives requests from clients and retrieves the appropriate portions of web pages from servers on the Internet to assemble the user-customized page).

In considering claim 3, Sugiarto further discloses that the portal handling means further comprise a portal back server for periodically updating defined web page fields stored in said user database (col. 4, lines 11-53 describe that the fields could be "stock quotes," "latest scores," or "Headline News" taken from CNN, ESPN, or NASDAQ's web sites, such that each field thus constitutes a periodically updated field which would be inherently updated via a server).

In considering claim 4, Sugiarto further discloses that the portal real time server comprises a configuration for accessing the user data base before accessing the resources of the Internet network to determine whether said web page fields requested by said portal browsing means are within the defined web page fields being periodically updated (col. 8, lines 34-67, describing that the user sends requests first to the real time server, and that the real time server then accesses the database to determine the configuration so it can subsequently retrieve the desired updated web page fields from servers on the Internet).

In considering claim 5, Sugiarto further discloses that the system includes a PC web browser for accessing the resources of said Internet network and for browsing web pages selected by a user (col. 8, lines 34-36, "desktop computer system 9"), and a portal configuration for configuring selected web page fields before transferring them to said portal server, and wherein the portal server includes a user database builder for storing at least identifying information relating to the web page fields into the user database (col. 8, lines 24-26, 51-67, describing saving the configuration files in the database and using them to select the customized web page portions to deliver to the PC).

In considering claim 6, Sugiarto further discloses that the system includes a PDA web browser for accessing the resources of said Internet network, and for browsing web

pages selected by a user (col. 8, lines 34-36, "handset 6"), and a PDA configuration for configuring selected web page fields before transferring them to said portal server, and wherein the portal server includes a user database builder for storing at least identifying information relating to the web page fields into the user database (col. 8, lines 24-26, 51-67, describing saving the configuration files in the database and using them to select the customized web page portions to deliver to the PC).

In considering claim 7, Sugiarto further discloses that the PC web browser has means for accessing a URL address of a selected web page, and means for selecting at least one of said URL web page fields ("hypertext links," col. 7, line 66), and means for converting the selected URL web page fields into a format for being stored in the data base (col. 7, lines 49-55; col. 8, lines 24-26, "once all hypertext links are verified, system server 2 stores the configuration files in database 205 on database server 8").

In considering claim 8, Sugiarto further discloses that the PDA web browser has means for accessing a URL address of a selected web page, and means for selecting at least one of said URL web page fields ("hypertext links," col. 7, line 66), and means for converting the selected URL web page fields into a format for being stored in the data base (col. 7, lines 49-55; col. 8, lines 24-26, "once all hypertext links are verified, system server 2 stores the configuration files in database 205 on database server 8").

In considering claim 9, Sugiarto further discloses that the portal browsing means in the PDA includes input means for selecting at least one web page field stored in the user data base of the portal server in order to display said at least one web page field in said PDA display means (col. 9, lines 30-35, wherein a user can select one of the fields using the browser and can display another page related to that field).

In considering claim 10, Sugiarto further discloses that the input means includes means for modifying the at least one web page field being displayed by said PDA display means to view only one field among said at least one web page field previously displayed (col. 9, lines 30-35, wherein a user can select one of the fields using the browser and can display another page related to that field).

In considering claim 11, as understood, Sugiarto discloses a server assisted method for accessing web page fields (“portions of one or more websites,” col. 6, line 24), in which method a wireless PDA (“personal organizer,” col. 3, line 25) communicates with an Internet network (“Internet,” col. 4, line 5) by an intermediary of a wireless Internet gateway (“wireless link,” col. 2, line 18), the method comprising the steps of:

Selecting a web page field in a web page (col. 8, lines 25-26; col. 7, line 56 – col. 8, line 9, describing the configuration files that allow a user to select fields of web pages);

Incorporating said selected web page field in a portal page, and serving the portal page to a portal browser (col. 8, lines 51-67; col. 9, lines 1-5, describing formatting the predefined portions “into a single page” that is “transmitted to the handset for viewing”).

Sugiarto further describes that certain of the Web page fields are of the type that need to be frequently updated (i.e. col. 8, lines 8-18, describing stock quotes, headline news, and sports scores; see also, claim 1, describing “future updated” information). However, Sugiarto remains silent regarding determining how to update the information. Nonetheless, updating information on a web page received at a PDA based on a determination of whether selected fields should be updated in real time or in a background process is well known, as evidenced by Sharma. In a similar art, Sharma discloses a system for allowing users of PDA devices to receive news, stock quotes, and other time-sensitive information via a portal server (“proxy server,” col. 4, lines 1-15), wherein the selected fields of information are updateable, and wherein the fields are updated according to a user selection of either real-time (“demand basis”) or a background process (“periodic basis”). See column 7, lines 24-35, “Thus, the demand based configuration updates displayed information only when requested by the user. The periodic based configuration, on the other hand, allows the user to specify a time interval in which page contents are automatically updated.”

Given the teaching of Sharma, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including a step of determining whether to update the updateable web fields of Sugiarto either in real-time

or in a background process, as taught by Sugiarto, so that a user can have greater control over the accuracy of the data he or she is receiving. Therefore, it would have been obvious to use the updating method taught by Sharma for the updateable information taught by Sugiarto.

### ***Response to Arguments***

4. Examiner has considered Applicants arguments regarding the claims as amended in the amendment filed on May 14, 2004. Because of the new grounds of rejection, those arguments are moot. In short, Sugiarto does not disclose the newly added limitations regarding allowing a user to select whether fields are updated in real-time or whether fields are updated from a pre-stored update. Nonetheless, this feature is taught by Sharma, and would have been obvious to include in the Sugiarto system for the reasons stated in the above claim rejections.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all After Final papers: (703) 746-7238.

For all other correspondences: (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE  
August 16, 2004



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100